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REMARKS

1.   Claim Objections

Claims 3, 6-7 and 10 have been objected to for reasons set forth in the Office Action. Claims 3, 6-7 and 10 have been canceled. Accordingly, reconsideration and withdrawal of the objections is respectfully requested.

2.   Double Patenting

Claims 1 and 2 have been provisionally rejected under 35 U.S.C. § 101 over claims 1 and 15 of copending Application No. 11/036,024. Claims 3-7, 14 and 17 have been provisionally rejected under the doctrine of obviousness-type double patenting over claims 5-10 and 14 of copending Application No. 11/036,024. Claims 1-7, 14 and 17 have been canceled. Accordingly, reconsideration and withdrawal of the double patenting rejections is respectfully requested.

3.   Claim Rejections - 35 U.S.C. § 102

Claims 1-22 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,795,867 to Ma. Claims 1-22 have been canceled. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

4.   Claim Rejections - 35 U.S.C. § 103

Claims 11 and 20 have been rejected under 35 U.S.C. § 103(a) over Ma in view of U.S. Patent No. 6,128,279 to O'Neil. Claims 11 and 20 have been canceled. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

5.   New Claims

Claims 23-30 have been added. Independent claim 23 is directed to a method of balancing workload in a VoIP system. In the method, a query is received from a VoIP

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client with a load monitor and the query requests an identity of the VoIP proxy server among a plurality of VoIP proxy servers that has the lowest workload. After determining the appropriate VoIP proxy server, the load monitor transmits the identity of the VoIP proxy server with the lowest workload to the VoIP client. This exchange is carried out before initiation of the call itself since, as claimed, the VoIP client then communicates with the identified VoIP proxy server to initiate a VoIP call. Attention is drawn to the specification at: page 4, line 22 to page 5, line 5; page 7, lines 12-31; page 8, line 21 to page 9, line 22; and page 10, line 12-19, among other locations, for additional descriptions of the claimed subject matter.

The claimed process, which is novel and unobvious, efficiently services the VoIP client while distributing workload among a group of VoIP proxy servers.

As will be readily apparent, the reference to Ma that is relied upon by the Examiner in the rejections of the canceled claims is distinguishable from the subject matter of claims 23-30. For example, as described at column 5, line 63 to column 6, line 30 of Ma and as described at column 8, line 41 to line 8 of column 9 in connection with figure 4 of Ma, an endpoint (the most akin device to the recited VoIP client) initiates a call and a call setup request is sent to a gatekeeper (the most akin device to the recited VoIP proxy server). The gatekeeper passes that setup message to a load management unit (LMU) (the most akin device to the recited load manager). The LMU then either transfers the call responsibilities to another gatekeeper or directs the original gatekeeper to setup and service the call.

In Ma, there is no disclosure of a query for the identification of the lowest workload VoIP proxy server from a VoIP client to a load manager, nor is there a disclosure of corresponding reply from the load manager to the VoIP client. O'Neil does not cure the deficiencies of Ma.

Claims 24-30 from claim 23. The dependent claims recite additional novel and unobvious aspects of the invention.

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6.   Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned representative to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 18-0988, our Order No. INMEP101US.

Respectfully submitted,

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